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Attorney for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	NO. CR-15-06049-EFS-10
)	
Plaintiff,)	
)	
vs.)	DEFENDANT'S PROPOSED
)	VOIR DIRE
BRITTNEY ZARAGOZA,)	
)	
Defendant.)	

COMES NOW BRITTNEY ZARAGOZA and requests the Court to examine
potential jurors consistent with the following proposed questions:

A. Personal, Occupational and Educational Background:

1. What is the last school that you attended?
2. Did you receive a degree from that institution?
3. Major field of study?

Defendant's Proposed Voir Dire

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B. Burden of Proof and Indictment:

4. An indictment is only an accusation. Do you understand that it is the physical means by which a defendant is brought to trial; its sole purpose is to notify an individual of the charges?
5. Do you understand that an indictment is not evidence that the offense charged was committed and may not be considered as evidence by you in your deliberations?
6. Do you understand that the evidence which you will evaluate in this case will come solely from the witness stand and not from any other source?
7. As the defendants sit here, do you understand that they are presumed innocent now and throughout the trial?
8. Do you understand the government is required by law to prove the defendants guilty beyond a reasonable doubt?
9. If the government fails to meet that burden, do you understand that you must find the defendants not guilty?
10. Do you understand that the defendants have no burden to prove their innocence?
11. Do you understand that the defendants do not have to testify at trial and nothing can be inferred from them not testifying?

C. Bias, Prejudice and Weight of Testimony:

12. Are any of your close friends or family members employed by the federal government?
13. Could those of you who are government employees maintain impartiality on this case?
14. Do you think that you would give more weight to the testimony of government officers or employees?
15. Have you ever had an unpleasant experience with law enforcement?

1 16. Have you or any of your close friends or relatives ever been convicted of
2 any crime?
3

4 **D. Presumption of Innocence and Reasonable Doubt:**

5 17. You have heard it said that a defendant is presumed innocent unless and until
6 proven guilty. Do you think that presumption is really fair? Why do you
7 think we have such a presumption in our system of justice?

8 18. Do you consider the presumption of innocence to be a substantial and
9 important right, or do you consider it merely as some technicality the judge
10 must tell you about?

11 19. Do you consider "proof beyond a reasonable doubt" to be a substantial and
12 important right or merely as some technicality the judge must tell you about?

13 **E. Testimony of the Defendants:**

14
15 20. Do you feel that an accused's testimony will be less truthful or accurate than
16 that of a government agent? If so, why?

17 21. If you were accused of a crime, can you think of any reason why you might
18 not want a person with your frame of mind sitting on the jury?

19 22. If the defendants should decide not to testify, how would that affect your
20 evaluation of the evidence?

21 **F. Number of Witnesses for the Prosecution:**

22
23 23. Would you accept the combined testimony of the prosecution's witnesses
24 just because there are more of them?

25 24. It is possible that the prosecution may call 20 witnesses and the defense only
26 5. Would you base your judgment purely on the number of witnesses called
27 by either side?

28 25. Do you understand that even if the prosecution called one hundred witnesses
29 and the defense called none, you would still have to acquit the defendants,
30 unless you believe from the quality of the evidence presented that it proves
31 guilt to the standard you will be instructed on?

26. Do you understand that the prosecution must prove guilt by evidence beyond a reasonable doubt and not by merely calling a large number of witnesses? In other words, you would not simply count witnesses one way or the other and vote for the side that has the most witnesses, and you would not hold it against the defendants if the defense decides not to call any witnesses at all?

G. Jury Functions, Duties and Responsibilities:

27. Do you have any problem with the concept that you will be instructed as to the law, but that you are the sole and exclusive judges of the facts?

28. In arriving at a verdict, would you take into consideration all the facts and circumstances rather than just singling out one factor alone?

29. If at some time during your deliberations it becomes evident that you have voted differently than a majority of your other fellow jurors, would you then change your verdict just to be in the majority, and for no other reason?

30. Do you feel that you can keep an open mind and wait until you hear all the evidence and the instructions on the law, and commence deliberations, before making up your mind?

31. Do you feel that you can fairly render a verdict in this case according to the evidence and the law, and not allow the fear of criticism from any source to influence your verdict?

32. Do you understand the function of the jury is to be judges, not assistants to the prosecution simply because the prosecutor may have a difficult case to prove? As a matter of fact, do you understand that you are enforcing the law by acquitting a person charged if the evidence does not prove guilt beyond a reasonable doubt regardless of the prosecution's efforts?

33. Do you understand that while both sides in this case would hope that you arrive at a verdict, no one would ask you to give up your individual opinion just to arrive at a verdict?

34. If eleven other jurors felt differently than you, would you change your mind for that reason alone?

35. Would you listen to the opinions of the other jurors and discuss the evidence with them openly?

H. Expert Testimony:

36. Do you understand that simply because a person testifies whom the government or the defense claims is an expert, you are not bound to accept this testimony?
37. Do you feel that you must accept the conclusions of an expert?
38. Are you the type of person who questions conclusions of experts?
39. Do you quarrel with the law that says you are not bound to accept the opinion of an expert as conclusive and that you need only give it the weight you think it is entitled to?
40. If the facts on which the opinion of an expert is based do not justify the conclusion reached by that witness, will you have any difficulty in rejecting that opinion?

I. Media Publicity:

41. Have you heard or read anything from radio, television, newspapers or the news media about this case?
42. If yes, from what source specifically and how often have you learned about this case (television, radio, or newspapers)?
43. How extensive has your reading or your listening to radio or television broadcasts been about this case?
44. Have you discussed this case with anyone else?
45. Has anything that you have either heard, read or discussed about this case affected your attitude toward the defendants or this trial?
46. Have you formed or expressed an opinion as to the guilt or innocence of the defendants at this time?

1 DATED this 26 day of September, 2018.

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5 VICTOR H. LARA, WSBA #13017
6 Attorney for Defendant
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8 **CERTIFICATE OF SERVICE**

9
10 I hereby certify that on Sept. 26, 2018, I electronically filed the foregoing
11 with the Clerk of the Court using the CM/ECF System which will send notification of
12 such filing to the following: STEPHANIE VAN MARTER, Assistant U.S. Attorney, and I
13 hereby certify that I have mailed by United States Postal Service the document to the
14 following non-CM/ECF participant(s): N/A.
15
16

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18 Gail M. Kunz, Secretary to Victor H. Lara
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32 Defendant's Proposed Voir Dire

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